

REMARKS/ARGUMENTS

Claims 1, 3-5, 8, 10-11 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Miya (U.S. 2002/0105913) in view of Takao et al. (U.S. 2002/0173277). Claims 6-7 and 12-13 stand finaaly rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Miya and Takao as applied to claims 5 or 8, and further in view of U.S. Application No. 2002/00496062 to Petersen (hereinafter referred to as "Petersen"). Claims 2 and 9 have been indicated as containing allowable subject matter.

Claims 1, 2, 8, and 9 have been amended. Independent claims 1 and 8 have been amended to incorporate the selecting between a TDD and FDD connection based on a differential between the data rate of the uplink and downlink connections, which limitation was set forth in allowable claims 2 and 9. Accordingly, applicants believe this amendment places the independent claims in proper form for allowance and is properly entered after final. Entry of this amendment is respectfully requested.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Desgagne et al.
Application No.: 10/828,665

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-13, is in condition for allowance. Entry of this amendment and a Notice of Allowance are respectfully requested.

Respectfully submitted,

Desgagne et al.

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